

1 Thomas B. Mayhew (State Bar No. 183539)
Frank J. Riebli (State Bar No. 221152)
2 Farella Braun & Martel LLP
235 Montgomery Street, 17th Floor
3 San Francisco, CA 94104
Telephone: (415) 954-4400
4 Facsimile: (415) 954-4480
tmayhew@fbm.com
5 friebli@fbm.com

6 Frederick M. Luper
Matthew Anderson
7 Luper Niedenthal & Logan
1200 LeVeque Tower
8 50 West Broad Street
Columbus, OH 43215
9 Telephone: (614) 229 4409

10 Attorneys for Defendant GoAntiques, Inc.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 MICHELE MAZUR and SARAH BATES,
individually and for all others similarly
17 situated,

18 Plaintiff,

19 vs.

20 EBAY, INC., et al.,

21 Defendant.

Case No. C 07 3967 MHP

Judge: Hon. Marilyn H. Patel

**MOTION OF FREDERICK M. LUPER
AND MATTHEW ANDERSON TO
WITHDRAW AS COUNSEL FOR
DEFENDANT GOANTIQUES.COM, INC.**

22
23 **MOTION OF FREDERICK M. LUPER AND MATTHEW ANDERSON
TO WITHDRAW AS COUNSEL FOR DEFENDANT GOANTIQUES.COM, INC.**

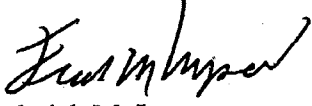
24 Pursuant to Local Rule 11-5, Frederick M. Luper, Esq., and Matthew Anderson, Esq., of
25 the law firm Luper Neidenthal & Logan hereby move this Court for an Order permitting their
26 withdrawal as counsel for Defendant GoAntiques.com, Inc. Local Rule 11-4 requires every
27 attorney permitted to practice in this Court to comply with the standards of professional conduct
28

Motion of Frederick M. Luper and Matthew
Anderson to Withdraw as Counsel for Defendant
GoAntiques, Inc.


1 required of members of the State Bar of California. Rule 3-700(C)(1)(f) of the California Rules
 2 of Professional Conduct provides that counsel "may not request permission to withdraw in
 3 matters pending before a tribunal, and may not withdraw in other matters, unless such request or
 4 such withdrawal is because . . . the client . . . breaches an agreement or obligation to [counsel] as
 5 to expenses or fees." Further, Local Rule 11-5(a) provides, "[c]ounsel may not withdraw from an
 6 action until relieved by order of Court after written notice has been given reasonably in advance
 7 to the client and to all other parties who have appeared in the case."

9 Consistent with Local Rule 11-5(a), Defendant GoAntiques.com has been given written
 10 notice that attorneys Frederick M. Luper and Matthew Anderson will withdraw as counsel unless
 11 Defendant fulfills its obligations to said attorneys. Despite reasonable warning, Defendant
 12 GoAntiques.com has failed to fulfill its obligations to attorneys Luper and Anderson. As required
 13 by Local Rule 11-(5)(a), attorneys Luper and Anderson have also provided written notice to all
 14 other parties who have appeared in this case. Because Defendant GoAntiques.com has failed to
 15 fulfill its obligations to attorneys Luper and Anderson, and because attorneys Luper and
 16 Anderson have complied with all Local Rules and the California Rules of Professional Conduct,
 17 this Court should grant this Motion to Withdraw.

19
 20 Dated: August 24, 2009


 /s/ Frederick M. Luper
 By: Frederick M. Luper (*pro hac vice*)
 Attorney for Defendant
 GoAntiques.com, Inc.

23
 24
 25 Dated: August 24, 2009


 /s/ Matthew Anderson
 By: Matthew Anderson (*pro hac vice*)
 Attorney for Defendant
 GoAntiques.com, Inc.